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09/828,679	04/06/2001	Craig L. Reding	Verizon-7APP	6744

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EXAMINER

GAUTHIER, GERALD

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 09/12/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/828,679

Applicant(s)

REDING ET AL.

Examiner

Gerald Gauthier

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 and 30-33 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-28 and 30-33 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other:

DETAILED ACTION

Drawings

1. The drawings are objected to because "821" is omitted on FIG. 8). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Objections

2. **Claim 30**, is objected to because of the following informalities: line 21-22 "said voice message retrieval system" should be "said voice message system". Correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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4. **Claims 1, 3, 7, 19-21, 30 and 33** are rejected under 35 U.S.C. 102(e) as being anticipated by Swistock (US 6,389,115).

Regarding **claim 1**, Swistock discloses a method for notifying a user of voice mail message (column 1, lines 7-10), (which reads on claimed “a communications method”), comprising:

monitoring SMDI communications link (SMDI on FIG. 1A) extending between a telephone switch (124 on FIG. 1A) and a voice messaging system (122 on FIG. 1A) to detect a SMDI message (column 3, lines 17-22) [The customer premise internet connector client actively reads all SMDI signals generated by the voice mail system];

generating an IP message (column 4, line 51 “a TAP data stream”) including at least one IP packet, the IP packet including at least some information (column 4, line 52 “the voice mail number”) obtained from a detected SMDI message (column 4, lines 46-59) [The voice mail forwards this message to the customer premise internet connector that includes the voice mail number]; and

transmitting the IP message over a communications channel (130 on FIG. 1A), which supports the transmission of IP packets (column 4, lines 7-11) [The information is passed via the Internet to the CPIC server]; and

in response to detecting a SMDI history message (column 4, line 62 “voice mail number provided by SMDI”) storing at least some information (column 4, line 19 “cell phone numbers”) included in the SMDI history message (column 4, lines 12-25) [The

cell phone number database that includes a list of voice mail numbers and updated by the voice mail administrator].

Regarding **claim 3**, Swistock discloses in response to detecting a SMDI message waiting indicator control message, performing a database look-up operation to retrieve IP message routing information associated with a directory number included in the detected SMDI message (column 4, lines 46-51); and

wherein the step of generating an IP message includes including at least some of the retrieved IP message routing information in the IP message (column 4, lines 46-59).

Regarding **claim 7**, Swistock discloses incorporating at least some of the stored information obtained from the SMDI history message in the IP message (column 3, lines 17-34).

Regarding **claim 19**, Swistock discloses a system for notifying a user of voice mail message (column 1, lines 7-10), (which reads on claimed "a communications system"), comprising:

- a telephone switch (124 on FIG. 1A);
- a voice messaging system (122 on FIG. 1A);
- a communications link (SMDI on FIG. 1A) coupled to the telephone switch and to the voice messaging system for carrying voice message waiting information (column 3, line 15 "message waiting indicator") between the voice messaging system and the

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telephone switch (column 3, lines 11-17) [The voice messaging system generates a signal that includes a message waiting indicator to the receiving phone];

an Internet Protocol message server (126 on FIG. 1A) coupled to the communications link for detecting voice message waiting information (column 3, lines 21-22 "message waiting indicator") transmitted over the communications link and for generating an Internet Protocol message (column 3, line 23 "MWI signal") including at least some of the voice message waiting information (column 3, lines 18-25) [The customer premise internet connector reads signals generated by the voice mail system obtains message waiting indicator and transmitted the signal using HTTP]; and

a voice message retrieval device (140 on FIG. 1A) coupled to the Internet Protocol message server by an Internet Protocol communications channel (130 on FIG. 1A), the voice message retrieval device including means for retrieving a waiting message (column 3, line 23 "MWI signal") from the voice messaging system in response to receiving an IP message (column 3, line 34 "TCAP protocol") including at least some message waiting indicator information (column 3, lines 18-34) [The CPCI sends the MWI signal to the CPCI server via the Internet to a short message service system].

Regarding **claim 20**, Swistock discloses the voice messaging waiting information is a message waiting indicator control signal (column 3, lines 18-25).

Regarding **claim 21**, Swistock discloses wherein the Internet Protocol server includes: means for decoding at least one of a Frequency Shift keying signal and a Phase Shift Keying signal to generate decoded simplified message desk interface message information (column 3, lines 11-17).

Regarding **claim 30**, Swistock discloses a system for notifying a user of voice mail message (column 1, lines 7-10), (which reads on claimed "a system for providing voice messaging service to a plurality of message service subscribers"), the system comprising:

- a telephone switch (124 on FIG. 1A);

- a voice messaging system (122 on FIG. 1A);

- a simplified message desk interface communications channel (126 on FIG. 1A) coupling the voice messaging system to the telephone switch (column 3, lines 51-58) [The PBX is routing an internal phone call from the voice mail system to the customer premise internet connector];

- an Internet Protocol network (130 on FIG. 1A) for communicating messages (column 3, line 23 "new messages") using the Internet Protocol (column 3, lines 22-25) [The customer premise internet connector sends signals a number of new messages and notification via the internet using HTTP]; and

- an Internet Protocol message server (126 on FIG. 1A) coupled to the simplified message desk interface communications channel and to the Internet Protocol network, the Internet Protocol message server generating IP messages (column 3, line 23 "MWI

signal”) from simplified message desk interface messages (column 3, line 20 “SMDI signals”) transmitted over the simplified message desk interface communications channel (column 3, lines 18-34) [The customer premise internet connector reads signals generated by the voice mail system obtains message waiting indicator from the SMDI signals and transmitted the signal using HTTP world wide web protocol]; and

a voice message retrieval system (140 on FIG. 1A) coupled to the Internet Protocol message server by the Internet Protocol network, the voice message retrieval system operating to retrieve voice messages from the voice message retrieval system in response to Internet Protocol messages received from the Internet Protocol message server (column 3, lines 18-34) [The CPCI sends the MWI signal to the CPCI server via the Internet to a short message service system].

Regarding **claim 33**, Swistock discloses wherein the voice message retrieval system includes: means for generating an E-mail message including a retrieved voice message (column 3, lines 18-34); and

Means for transmitting the E-mail message including the retrieved voice message of a voice mail service subscriber (column 3, lines 18-34).

5. **Claims 13, 26 and 28** are rejected under 35 U.S.C. 102(e) as being anticipated by Bartholomew et al. (US 6,215,858).

Regarding **claim 13**, Bartholomew discloses an analog terminal Internet access (column 1, lines 20-25), (which reads on claimed "a method of operating an Internet Protocol messaging device") the method comprising:

receiving Internet Protocol address information and directory number information (column 20, line 46 "stored data files") for each of a plurality of voice mail service subscribers from an advanced intelligent network service control point (243 on FIG. 6) coupled to the Internet Protocol messaging device (column 20, lines 44-60) [The Advance Intelligent Network processes calls under the control of data files of the subscribers stored in the SCP database];

receiving a SMDI message (column 15, lines 43-53) [The simplified message desk interface sends and receives signaling data from the end office];

generating an IP message (column 28, line 61 "the message") including at least one IP packet (column 29, line 7 "the message packets") and at least some information obtained from the received SMDI message (column 28, lines 54-65) [The Internet address is retrieved from the SCP and the interface router encapsulate the message and address information in TCP/IP format]; and

transmitting the IP message to an IP communications network (column 28, lines 59-67) [The IP message is transmitted over the LAN to the destination Internet address with appropriate routing label and handling instructions].

Regarding **claim 26**, Bartholomew discloses an analog terminal Internet access (column 1, lines 20-25), (which reads on claimed “a message server for generating Internet Protocol messages from simplified message desk interface messages”), the message server comprising:

means for receiving simplified message desk interface messages (column 14, line 21 “signaling data”) from a simplified message desk interface data link (column 20, lines 44-60) [The Advance Intelligent Network processes calls under the control of data files of the subscribers stored in the SCP database];

stored Internet address information (column 20, lines 44-60) [The Advance Intelligent Network processes calls under the control of data files of the subscribers stored in the SCP database]; and

an Internet Protocol message generation module (408 on FIG. 8) for generating an Internet Protocol message (column 28, line 61 “the message”) including IP address information and at least some information (column 28, line 62 “address information”) obtained from a received simplified message desk interface data (378 on FIG. 4) the Internet Protocol message generation module including at least a routine for accepting at least a portion of a stored history message (column 28, line 62 “address information”) to obtain calling party name or directory number information (column 28, lines 54-65) [The Internet address is retrieved from the SCP and the interface router encapsulate the message and address information in TCP/IP format].

Regarding **claim 28**, Bartholomew discloses a simplified message desk interface history message store for storing received history messages (column 15, lines 43-53).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. **Claims 2 and 4-5** are rejected under 35 U.S.C. 103(a) as being unpatentable over Swistock in view of Brilla et al. (US 6,389,276).

Regarding **claim 2**, Brilla teaches wherein the SMDI communications link includes an RS-232 cable (column 10, line 45 "RS-232 connection"), the method further comprising:

prior to performing the monitoring step, inserting a tee connection into the SMDI communications link to allow for monitoring of the link (column 10, lines 37-49).

Regarding **claim 4**, Brilla teaches the IP message is an E-mail message and wherein the IP message routing information includes an E-mail address (column 10, lines 14-21).

Regarding **claim 5**, Brilla teaches the IP message routing information includes an IP address (column 8, lines 40-46).

9. **Claim 6**, is rejected under 35 U.S.C. 103(a) as being unpatentable over Swistock in view of Bartholomew.

Regarding **claim 6**, Bartholomew teaches operating an advance intelligent network service control point to store IP addresses in customer records corresponding to voice mail service subscribers (column 20, lines 44-60); and

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wherein the step of generating an Internet Protocol message includes incorporating an IP address corresponding to a voice mail service subscriber, obtained from the service control point, into the at least one IP (column 20, lines 44-60).

10. **Claim 8**, is rejected under 35 U.S.C. 103(a) as being unpatentable over Swistock in view of Bartholomew and in further view of Brilla.

Regarding **claim 8**, Brilla teaches in response to detecting a SMDI message waiting indicator control message, using directory number information included in the SMDI message waiting indicator control message to retrieve stored SMDI history message information (column 3, lines 11-17).

11. **Claims 9-12**, are rejected under 35 U.S.C. 103(a) as being unpatentable over Swistock in view of Bartholomew, in view of Brilla and in further view of Curry et al. (US 6,078,582).

Regarding **claim 9**, Curry teaches the step of generating an IP message includes incorporating at least some of the retrieved IP history message information in the IP message (column 14, lines 32-40).

Regarding **claim 10**, Curry teaches at least some of the retrieved IP history message information includes at least one of a calling party name and a calling party telephone number (column 14, lines 61-66).

Regarding **claim 11**, Brilla teaches the IP message is an E-mail message (column 9, lines 14-21).

Regarding **claim 12**, Curry teaches the step of generating an IP message further includes incorporating at least some information from the detected SMDI message waiting indicator control message in the IP message (column 14, lines 32-40).

12. **Claim 14**, is rejected under 35 U.S.C. 103(a) as being unpatentable over Curry in view of Farris et al. (US 6,404,858).

Regarding **claim 14**, Farris teaches the step of receiving a SMDI message includes receiving one of a frequency shift keying and a phase shift keying encoded signals (column 26, lines 49-58); and

wherein the step of generating an IP message includes the step of including a message waiting indicator control signal obtained from the received SMDI message in the IP message (column 14, lines 33-43).

13. **Claim 15**, is rejected under 35 U.S.C. 103(a) as being unpatentable over Bartholomew in view of Curry.

Regarding **claim 15**, Curry teaches using information in a received SMDI message to access a database including Internet Protocol address information (column 14, lines 48-53); and

using at least some of the retrieved Internet Protocol address information in the IP message (column 14, lines 36-40).

14. **Claims 16-18**, are rejected under 35 U.S.C. 103(a) as being unpatentable over Bartholomew in view of Curry and in further view of Brilla.

Regarding **claim 16**, Brilla teaches the Internet Protocol address information
Includes an E-mail address (column 9, lines 14-21); and
wherein the IP message is an E-mail message (column 9, lines 18-21).

Regarding **claim 17**, Curry teaches storing at the advanced intelligent network
service control point, in each of a plurality of subscriber call processing records, each
call processing record corresponding to a voice mail service subscriber, an Internet
Protocol address and directory number corresponding to the voice mail service
subscriber to which the call processing record (column 14, lines 32-47).

Regarding **claim 18**, Curry teaches using information in a received SMDI
message to access a database including Internet Protocol address information, includes
comparing a directory number or message line indicator received in the SMDI message
to the directory number information received from the service control point (column 14,
lines 19-27).

15. **Claims 22, 25 and 31-32** are rejected under 35 U.S.C. 103(a) as being
unpatentable over Swistock in view of Curry.

Regarding **claim 22**, Curry teaches the communications link is a simplified message desk interface link (column 14, lines 19-27).

Regarding **claim 25**, Curry teaches a database of voice message service subscriber information including directory number and Internet Protocol address information (column 14, lines 48-53).

Regarding **claim 31**, Curry teaches a service control point including subscriber service information and subscriber Internet address information (column 7, lines 49-54); and

a data network coupling the service control point to the telephone switch and to the Internet Protocol message server (column 7, lines 49-56).

Regarding **claim 32**, Curry teaches the Internet Protocol message server includes a database of voice message service subscriber Internet address information and directory number information downloaded from the service control point (column 14, lines 61-66).

16. **Claims 23 and 24** are rejected under 35 U.S.C. 103(a) as being unpatentable over Swistock in view of Curry and in further view of Farris.

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Regarding **claim 23**, Farris teaches the Internet Protocol server includes:

means for decoding at least one of a Frequency Shift Keying signal and a Phase Shift Keying signal to generate decoded simplified message desk interface message information (column 26, lines 49-58); and

means for generating an IP message including at least some of the decoded simplified message desk interface message information (column 14, lines 33-43).

Regarding **claim 24**, Curry teaches a database of voice message service subscriber information including directory number and Internet Protocol address information (column 14, lines 48-53).

17. **Claim 27**, is rejected under 35 U.S.C. 103(a) as being unpatentable over Bartholomew in view of Brilla.

Regarding **claim 27**, Brilla teaches the stored Internet address information includes E-mail addresses of voice message service subscribers (column 9, lines 14-21).

Response to Arguments

18. Applicant's arguments with respect to **claims 1-28 and 30-33** have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

19. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (703) 305-0981. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.



g.g.

August 26, 2003

FAN TSANG
SUPERVISORY PATENT EXAMINER
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